

Amendments to House Bill No. 264
3rd Reading Copy

Requested by Senator Frederick (Eric) Moore

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
March 14, 2011 (1:55pm)

1. Title, page 1, line 6.

Following: "CODE;"**Insert:** "AMENDING SECTION 33-1-701, MCA;"

2. Page 1, lines 11 through 19.

Strike: everything after the enacting clause**Insert:** "Section 1. Section 33-1-701, MCA, is amended to read:

"33-1-701. **Hearings -- complaints -- discretion -- written demand -- procedure.** (1) The commissioner may hold hearings for any purpose within the scope of this code considered necessary. Hearing procedures contained in Title 33, chapter 1, apply only to Title 33, except as otherwise provided.

(2) A person may provide the commissioner with a written demand for a hearing. A written demand must specify the grounds relied upon as a basis for the relief sought at the hearing. If the commissioner does not issue an order granting a person's request for a hearing within 30 days of receiving a request, the hearing is considered refused.

(3) All hearings must be conducted pursuant to the Montana Administrative Procedure Act, as provided in Title 2, chapter 4, part 6. Any supplemental hearing procedures may be adopted by administrative rule. The commissioner shall hold a hearing within 45 days of receipt of a request for a hearing unless postponed by mutual consent of the person requesting the hearing and the commissioner.

(4) Instead of requesting a hearing, a person may file with the commissioner a complaint, a notice, or a query or may otherwise seek a clarification or an action by the commissioner regarding an actual or alleged violation of 30-14-225 to the extent an insurance policy is involved or of this title. The complaint must be written or electronic, contain contact information, and describe details regarding the actual or alleged violation and what relief is sought.

(5) The commissioner shall respond to a complaint, a notice, a query, or a request for clarification or action on an insurance matter by formal investigation pursuant to 33-1-311 or informally. A formal investigation must result in a written report to the person who filed the complaint, notice, or query or the request for clarification or action. An informal response may

be conducted electronically or by telephone."

{Internal References to 33-1-701:

33-1-317 x 33-1-408 x 33-1-501 x 33-1-1211 x
33-1-1302 x 33-14-202x 33-17-1205 x 33-22-2009x }"

Insert: "NEW SECTION. **Section 2.** {standard} **Effective date.**
[This act] is effective on passage and approval."

- END -

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Insert: "NEW SECTION. **Section 2.** {standard} **Effective date.**

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